

III. REMARKS

1. Claims 1-8 are pending in this application. Claim 1 is amended. Claim 9 is new. It is noted that the amendment to claim 1 does not introduce any new matter into the claim that would require additional consideration and/or search and thus, should be entered for purposes of appeal.

2. Claims 1-8 are patentable under 35 U.S.C. 112. Claim 1 is amended to overcome the rejection.

3. Claims 1-3, 7 and 8 are patentable under 35 U.S.C. 103(a) over Ladds et al. (US 4,155,643) and Haydock (US 2,963,761). Applicant maintains that the combination of Ladds and Haydock does not disclose or suggest that the mail item receiving device comprises a rear wall configured to align the mail items once they have fallen on the support plate for the reason described in Applicant's prior response dated September 18, 2006, the arguments of which are incorporated herein in their entirety.

Claim 1 is amended to recite "a rear wall configured to align these mail items once they have fallen on the support plate". The rear wall being configured to align the mail items now defines the structure of the rear wall.

It is also noted that even if a rear wall were added to the tray in Ladds as the Examiner suggests, the rear wall would not be capable of aligning the paper ejected from the copy machine. The "rear wall" (i.e. the side of the copier) in Ladds is disposed so that the bottom portions (52, 54) of the tray (16) have a downward tilt or decline towards the stops (See Fig. 2; Col. 2, L. 24-38). Thus, if a person were to reach into slot (42) to push the paper back against the "rear" wall this would result in

a stack of paper that is angled or otherwise not aligned as the bottom of the stack of paper would rest against the bottom portion (52, 54) of the tray (16) while the edge of the stack would follow the angle formed by the side of the copier and the bottom of the tray. Therefore, the side of the copier in Ladds is not capable of aligning the paper in the tray (16).

It is also noted that the tray in Ladds is already configured to align the sheets of paper that are received by the tray (32). In Ladds the sheets of paper fall against the stops (38, 40) via the force of gravity thereby aligning the paper against the stops (38, 40).

Moreover, the configuration of Ladds is such that the tray cannot have a rear wall. In Ladds, the attachment point between the tray (32) and the photocopier is made via the hooks (35, 36), which are located on the sides (48, 50) of the tray (32), and the slots (44, 46) of the machine end wall (28). In Ladds the rear of the tray is open so that the ejected copies can pass between the side members (48, 50) into the tray. This is evidenced by the cross member shown in Figure 4 located between the tabs (35, 36) and in Figure 2 which shows the paper passing through the back of the tray (32). If a rear wall were added to the tray (16) in Ladds as suggested by the Examiner, the passage of paper from the copier to the tray (16) would be obstructed by the wall (See Fig. 2 of Ladds which shows the paper passing from the copier into the tray through the point the Examiner suggests adding the rear wall). Thus, adding a rear wall to the tray of Ladds to align the paper would not be obvious to one skilled in the art.

Further, it is respectfully submitted that adding a rear wall to the tray in Ladds to keep the mail items from falling out would

not be obvious as the Examiner suggests. As described above, the tray in Ladds has a downward tilt or decline towards the stops (38, 40) to aid by gravity delivery of copies to the stops (Col. 2, L. 24-38; Fig. 2). As the paper is ejected from the copier in Ladds the paper falls down the inclined tray where is it kept from falling out of the tray by the stops (38, 40) and the side members (48, 50). When the copies are sitting in the tray of Ladds they are not in contact with the side of the copier (i.e. the "back wall"). Thus, adding a back wall to the tray in Ladds would not serve to keep the copies from falling out the tray as the copies are ejected.

Therefore, for the above reasons there is no suggestion or motivation to add a rear wall to the tray (32) of Ladds for aligning the copies or to keep the copies from falling out. The Examiner's modification of adding a rear wall to Ladds is made with the impermissible use of hindsight in light of Applicant's disclosure. Thus, Claim 1 is patentable over the combination of Ladds and Haydock for the reason that the combination of Ladds and Haydock does not disclose or suggest all the features of claim 1. Claims 2, 3, 7 and 8 are patentable at least by reason of their respective dependencies.

4. Claim 4 is patentable under 35 U.S.C. 103(a) over Ladds, Haydock and Hrenyo (US 5,018,623) for the reason stated in Applicant's prior response. In addition, for the reasons stated above with respect to claim 1, the combination of Ladds and Haydock fails to disclose or suggest all the features of claim 1. Thus, it is submitted that the combination of Ladds, Haydock and Hrenyo cannot as well. Therefore, claim 4 is patentable at least by reason of its respective dependency.

Further, Applicant maintains that there is no motivation to combine Hrenyo with Ladds and Haydock.

The Examiner suggests that Ladds and Hrenyo are analogous art because they both pertain to plastic containers. However, it is respectfully noted that the Examiner admits that Ladds does not disclose the material from which the tray (32) is made (See the office action dated 11/24/2006 at page 4 with respect to the rejection of claim 5).

Furthermore, Hrenyo discloses a molded plastic overwrap tray used in the poultry processing industry. This cannot reasonably be considered as in the same field of the receiving tray for photocopy machines disclosed in Ladds. There is absolutely no analogy between photocopy machines and packing poultry. Moreover, Ladds and Hrenyo are in different classes, thus one searching for the photocopy tray of Ladds would not find the poultry packing tray of Hrenyo. It is respectfully submitted that the Examiner is combining references with the impermissible use of hindsight in light of Applicant's disclosure. Thus, claim 4 is patentable over the combination of Ladds, Haydock and Hrenyo.

5. Claim 5 is patentable under 35 U.S.C. 103(a) over Ladds, Haydock and Firl et al., U.S. Pat. No. 5,454,553 ("Firl"). Claim 5 depends from claim 1 and as described above the combination of Ladds and Haydock fails to disclose or suggest all the features of Applicant's claim 1. It is submitted that because the combination of Ladds and Haydock fails to disclose or suggest all the features of claim 1 that the combination of Ladds, Haydock and Firl cannot as well. Claim 5 is patentable at least by reason of its dependency.

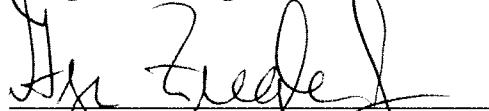
Further, Applicant's claim 5 recites that the tray is made "in one piece". In Ladds the "rear wall" of the tray is formed by the copier, which is not "one piece" with the tray (32). The input and output trays of Firl have a sliding shelf (29, 120) thus forming at least a two piece tray (See Fig 1). Thus, claim 5 is patentable over the combination of Ladds and Haydock for this additional reason.

6. Claim 6 is patentable under 35 U.S.C. 103(a) over Ladds, Haydock and Japanese Patent No. 8-337349 ("Ricoh"). Claim 6 depends from claim 1 and as described above the combination of Ladds and Haydock fails to disclose or suggest all the features of Applicant's claim 1. It is submitted that because the combination of Ladds and Haydock fails to disclose or suggest all the features of claim 1 that the combination of Ladds, Haydock and Ricoh cannot as well. Claim 6 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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